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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,903	03/31/2004	Young Sung Kim	HI-0194	4999
34610 7590 04/23/2007 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			EXAMINER PATEL, ASHOK	
			ART UNIT	PAPER NUMBER
			2879	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/812,903

Applicant(s)

KIM ET AL.

Examiner

Ashok Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 11, 13-15 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 11, 13-15 and 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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1. Claims 10, 11, 13-15 and 21-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "a conductive power" renders the claim vague since it remains unclear as to what the term "conductive power" means.

Claim 23, the term "glass-type" renders the claim indefinite since the scope of the claim can not be ascertained. It remains unclear as to whether the filter includes a glass in it or whether the filter is similar to or equivalent to the glass. See M.P.E.P. 2173.05(b).

Claims 11, 13-15, 21, 22, 24 and 26-31 are necessarily rejected since they depend upon rejected claims 10 and 25.

2. Applicant's arguments filed 01/10/2007 have been fully considered but they are not persuasive.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 10, 11, 13-15 and 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al (USPN Re37183).

As to claims 10 and 25, Kawamura et al disclose applicant's claimed front filter (Figure 3), the front filter including: An optical filter film (2); and an adhesive layer (a shaded layer) for adhering the at least two optical filter films to each other; the adhesive layer including a conductive powder to shield electromagnetic waves, the conductive power decentralized in the adhesive layer.

As to claims 10 and 25, the limitation "within a predetermined concentration range by volume ratio relative to an amount of adhesive agent in the adhesive layer, said predetermined concentration range set to allow the plasma display panel to achieve a desired transmission rate" is narrative in form and does not constitute or contribute toward, positive structure of the claimed device and therefore not given any patentable weight.

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Kawamura et al differ from applicant's claimed filter in that Kawamura et al disclose one optical filter film as opposed to applicant's claimed two optical films and the adhesive layer adhering the two optical films to each other.

However providing an additional optical filter film within the filter would have been obviously a matter of alternative design choice since providing the claimed two optical layers do not solve any particular problem that is not solved by single optical filter of the prior art filter. Further providing the two optical filters films is also in the art.

In light of this, it would have been obvious to one of ordinary skill in the art to provide Kawamura et al's optical filter including additional optical filter film as a matter of alternative design choice.

Regarding claims 11, 24 and 28, applicant is claiming the front filter including a predetermined concentration range of the conductive powder being 1-40% of the adhesive by a volume ratio. Kawamura et al do not disclose such concentration range. However, it would have been obvious to one of ordinary skill in the art to select conductive powder in a desired concentration range, since it has been held that where general conditions of the claim are discovered in the prior art, discovering the optimum or workable

range of the concentration of the conductive powder involves only routine skill in the art. In re Aller, 105 USPQ 233.

As to claims 13 and 27, Kawamura et al disclose the optical filter being an antireflection coating (6).

As to claims 14 and 27, Kawamura et al do not disclose the conductive powder formed of any one element from applicant's claimed different elements. However, it would have been obvious to one of ordinary skill in the art to select any known and functionally equivalent conductive powder within the optical filter. In light of this, it would have been obvious to one having ordinary skill in the art to provide the Kawamura et al's optical filter including any known suitable conductive powder for neutralizing static electrical charges and/or for shielding the electromagnetic-wave within the filter.

As to claims 15 and 30, Kawamura et al do not disclose the conductive powder having size as claimed by applicant. However, it would have been obvious to one of ordinary skill in the art to select conductive powder having desired particle size, since it has been held that where general conditions of the claim are discovered in the prior art, discovering the optimum or workable range of the particle size involves only routine skill in the art. In re Aller, 105 USPQ 233.

As to claims 21 and 31, the limitation "wherein the predetermined concentration range of the conductive powder is set to allow the plasma display panel to transmit visible rays in the range above 380 nm" is narrative in form and does not constitute, or contribute toward, the positive structure of the claimed device. Therefore, the limitation "wherein the predetermined concentration range of the conductive powder is set to allow the plasma display panel to transmit visible rays in the range above 380 nm" is not given any patentable weight.

As to claim 22, Kawamura et al disclose the filter being a thin film.

As to claim 23, Kawamura et al discloses the filter that is glass type (since it includes glass, SiO₂).

5. The Examiner responds to applicant's arguments as follows.

Applicant argues, at page 7, that Kawamura et al do not disclose that it was known to incorporate conductive power into the front filter of a plasma display panel to serve as an electromagnetic interference shield.

It is to be noted that the none of the claims recite the front filter *of a plasma display panel*. The amended version claims now recite the front filter for a plasma display panel. The use limitation (i.e. for a plasma display panel) is not given any

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patentable weight. The filter is considered by itself, and not a part of the plasma display panel.

Next, since the conductive particles are dispersed within the adhesive layer, the resultant filter product would serve as an electromagnetic interference shield, besides antistatic function. It is the property of the conductive particles to act as antistatic function and also EMI shield.

Applicant argues, at page 8, that Kawamura et al do not disclose the conductive metal is decentralized or otherwise mixed with an adhesive agent.

The conductive powder is mixed with adhesive agent. Therefore, the conductive particles within Kawamura et al's filter are considered decentralized.

Applicant argues, at page 8, that the Examiner has taken a position that all of the features of certain dependent claims are merely a matter of design choice.

The Examiner took the position of: a matter of obvious design choice only with respect to claim 10. The Examiner believes that his position is legitimate since applicant has not shown any critical results for providing two optical layers as opposed to a single optical filter film. Showing unexpected results for having two optical layers as opposed to the single optical filter film would overcome the rejection. Absent the unexpected results for

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having two optical layers as opposed to the single optical filter film, the Examiner's position is believed appropriate.

Applicant argues, at page 9, that there is no teaching or suggestion that would have led one of ordinary skill in the art to modify the Kawamura et al's filter to include the features recited in the dependent claims. Applicant has not shown any unexpected results for having the two optical layers as opposed to the single optical filter film.

As mentioned above, the present claims are directed to a front filter, not a PDP front filter. Therefore any arguments relating to the PDP is moot. Arguments must be related to the claimed limitations.

Applicant argues, at page 9, that none of the references individually or collectively teaches or suggests that the predetermined concentration range of the conductive powder in claim 11. The Examiner acknowledges that none of the references individually or taken alone teach or suggest that the predetermined concentration range of the conductive powder.

However, the Examiner cited obviousness reasoning for the claimed range and further cited a case law to support the reasoning.

Applicant has not challenged the Examiner's reasoning. Applicant has not shown any unobviousness for claiming the range of concentration.

Applicant argues, at page 9, that none of the references taken individually or collectively teaches or suggests that the conductive power is formed of any element recited in claim 14.

The Examiner acknowledged that Kawamura et al does not disclose the conductive powder formed of any element recited in claim 14. The Examiner therefore cited appropriate reasoning to support the position. Applicant did not challenge the Examiner's position of why it would be obvious to one of ordinary skill in the art to select any known and functionally equivalent conductive powder within the filter.

Applicant argues, at page 10, that none of the references taken individually or collectively teaches or suggests the claimed range as recited in claim 15.

The Examiner acknowledged that Kawamura et al does not disclose the conductive powder having particle size range as recited in claim 15. The Examiner therefore cited appropriate reasoning to support the position. Applicant did not challenge the Examiner's position of why it would be obvious to one of ordinary skill in the art to discover the optimum or workable range through routine skill in the art.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ashok Patel
Primary Examiner
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